

REMARKS

This request for reconsideration is in response to the Office Action of December 8, 2006 in which claims 1-37 were rejected.

The Applicant disagrees with the rejections and is surprised by the Examiner's conflicting statements during the case prosecution.

In Section 2 (page 2) of the Office Action of December 8, 2006, the Examiner stated that "Applicant's remarks regarding the rejection of the last non-final office action is persuasive and, therefore, the non-final rejection of that action is withdrawn.

Moreover, in response to the FAX sent to the USPTO on June 22, 2006, the Examiner called the Applicant on June 27, 2006 and stated that the arguments presented in the FAX quoted above are convincing and that the claim amendment submitted to the USPTO on March 13, 2006 is accepted by the Examiner for obviating the above rejections under 35 U.S.C. 112, second paragraph, and under 35 U.S.C. 103(a).

However, in "response to arguments", section 44 (page 16), of the Office Action of December 8, 2006, the Examiner contradicts himself by removing this "withdrawal", wherein claims 1-18 were again rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant is of opinion that the Examiner did not understand or misinterpret the explanations given during the phone interview on 6/22/06 regarding "sending" vs.

"forwarding". "Sending" on line 9 of claim 1 means exactly what it is: "sending an access-request signal to a network by a terminal for connecting to a help-portal server of said network...". This does not mean that signal is received by the help-portal server: it just stated the fact that this access-request signal is sent. On line 14, however, it is stated that this access-request signal is forwarded "to the help-portal server by the terminal using a well-known uniform resource locator...". The term "forwarding" is not the same as "sending" and it is defined in the specification of the present invention, e.g., on page 17, lines 8-14, as was explained during the telephone interview mentioned above. The Applicant again refers to MPEP sections 608.01(0), 2111.01 and 2173.01 quoted and discussed in detail in reference to the term "forwarding" in the Request for Reconsideration submitted to the USPTO on December 11, 2005. The Applicant requests the Examiner to follow the USPTO rules described in the MPEP sections quoted above.

In Section 5, claims 1-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kalke, U.S. Patent Application Publication 2004/0137890 and Muramatsu et al. U.S. Patent Application Publication 2006/0155803 in view of Martin, JR., et al, U.S. Patent Application Publication 2003/0023849.

The Examiner's arguments are analyzed based on MPEP guidelines which are stated in the MPEP Paragraph 2143 as follows:

"To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

In regard to independent claim 1, the Examiner practically repeated the same arguments from the previous Office Actions, but added the reference of Muramatsu et al. (under 35 U.S.C. 103(a)) alleging that Muramatsu et al. disclose the added limitation in independent claim 1 regarding help-portal server (as discussed further below).

First, in Section 2 (page 2) of the Office Action of December 8, 2006, the Examiner stated that "Applicant's remarks (i.e., Amendment B) regarding the rejection of the last non-final office action is persuasive and, therefore, the non-final rejection of that action is withdrawn. The Applicant assumes that by making the above statement, the Examiner agreed on the content of the Amendment B and accepted the arguments presented in the Amendment B. In particular, in the Remarks of Amendment B (see bottom of page 16) accepted by the Examiner, it is stated:

"Martin et al. disclose delegation of authority of the trusted provisioning domains from one to another domain outside of network 3 as shown in figure 1 of Martin et al. In the present patent application, the chain of trust is established by the network and within the network and

communicated to the terminal through consecutive exchange of information between the network and the terminal: none of these limitations are disclosed by Martin et al. Explanations are requested." Claim 1 clearly states that "wherein said help-portal server is identified to said portal server by the network using a chain of trust" which is not taught by Martin et al. In other words, incorporating teachings of Martin et al. into Kalke will teach away from the present invention, contrary to what is alleged by the Examiner in the Office Action of December 8, 2006: (see section 10 on page 10).

Furthermore, in regard to the added limitation in independent claim 1 about help-portal server, a connection to a portal server using a portal URL described by Muramatsu et al. is for connecting to an Internet (see page 3, Paragraph 34 of Muramatsu et al.). However, Muramatsu et al. do not talk or even hint about requesting (presumably when the access-request signal is sent) "a provisioning signal or a management session signal for configuring the terminal" as recited in claim 1 of the present invention". In other words, the goal of Muramatsu et al. for sending the access-request signal is different from the one recited in claim 1 of the present invention. Therefore, combining Muramatsu et al. with Kalke will further teach away from the present invention, contrary to what is alleged by the Examiner in the Office Action of December 8, 2006: (see section 8 on page 10).

In light of the above arguments, it is clear that the references of Kalke and Muramatsu et al. in view of Martin et al. quoted by the Office do not teach or suggest all the limitations of independent claim 1, as

required by the MPEP Paragraph 2143 to establish a *prima facie* case of obviousness and/or combining the references quoted by the Examiner will teach away from the embodiment of the present invention recited in claim 1.

The same arguments, as articulated above, are applied to independent claims 19, 34 and 36.

Withdrawal of the 35 U.S.C. 103(a) rejection of claims 1, 19, 34 and 36 is requested.

Regarding dependent claims 2-18, 20-33, 35 and 37, these are dependent (directly or indirectly) claims of independent claims 1, 19, 34 or 36. Independent claims 1, 19, 34 or 36 are not unpatentable over Kalke and Muramatsu et al. in view of Martin et al., as shown above. Since each of the dependent claims 2-18, 20-33, 35 and 37 narrows the scope of the corresponding novel and non-obvious independent claim 1 or 19, non-obviousness of claims 1, 19, 34 and 36 will compel non-obviousness of claims 2-18, 20-33, 35 and 37.


Additional considerations regarding novelty of the dependent claims 2-18, 20-33, 35 and 37 can be further provided if necessary considering additional limitations introduced in the dependent claims 2-18, 20-33, 35 and 37. Some arguments were already presented in the previous office actions, but practically were ignored by the Office. For example, the Applicant refers to the Request for Reconsideration filed November 21, 2005 (see pages 10-11).

Withdrawal of the 35 U.S.C. 103(a) rejection of claims 2-18, 20-33, 35 and 37 is requested.

Even if only for the sake of argument we assume that references quoted by the Examiner teach all limitations of claims 1-37 and that combining the references quoted by the Examiner will not teach away from the embodiments of the present invention, the Office failed to demonstrate or provide any reasonable arguments in regard to "suggested desirability or motivation" or "reasonable expectation of success" for combining references by a person skilled in the art at the time of the invention without hindsight, as required by MPEP paragraph 2143 and an extensive case law on the subject (the detailed discussion of the case law can be also presented if requested by the Office).

Withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-37 is requested.

The rejections of the Official Action of December 8, 2006, having been obviated or shown to be inapplicable, withdrawal thereof is requested, and passage of claims 1-37 to issue is solicited.

Respectfully submitted,

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